The intention of the Legislature must be presumed to have been to protect the public from dangerous drugs, medicines, or other agencies in unskilled hands. This intention must be paramount. *U. S.* v. *Fisher*, 2 Cranch 399.

JUDGES—INTEREST—DISQUALIFICATION—FIRST NATIONAL BANK OF RAPID CITY v. MCGUIRE, 80 N. W. 1074 (S. D.).—An action of foreclosure was brought by a corporation before a circuit judge whose wife was a stockholder in the corporation. *Held*, that the judge was disqualified to try the cause on the ground of personal interest, since his wife, though not a party to the suit, was directly interested in the result, and since he, though under the law of the State having no present interest in, or control over his wife's property, would yet succeed to a portion of it in case of her death, and would be, in law, presumptively an heir to her estate.

This decision rests purely upon common law grounds, there being no constitutional provision or statute in South Dakota disqualifying a judge from sitting in a cause on the ground of interest, or of relationship to a party. At common law relationship to a party was not a disqualification (Am. and Eng. Encyc., Vol. 12, p. 47), so that the question of pecuniary interest of the judge was the only one to be considered. We have found no case involving precisely the question here.

MANDAMUS—CORPORATION—IN RE PIERSON, 60 N. Y. Sup. 671.—Mandamus to compel a corporation to allow petitioner, a stockholder, to examine its books, to see if it is not selling gas at a loss, is properly denied, it being shown that it has cut the price of gas to meet competition, and thus retain its customers, and there being no advantage to the stockholders or the company in an application to the attorney-general or for a receiver, which the petitioner proposes to make if he finds that such sale is being made at a loss.

The right of a member of a corporation to inspect the books of the company for proper purposes is well settled in the *U. S.* 1 *Mor. Priv. Corp.*, and mandamus is the proper remedy. But in this case the purpose was not deemed a proper one. Members of a corporation have no right on speculative grounds to call for an examination of the books in order to see if, by any possibility, the company's affairs may be administered better than they think they are at present. *King* v. *Masters and Wardens of the Merchant Tailors Co.*, 2 *Barn. & Adol.* 115.

MUNICIPAL CORPORATION—PUBLIC IMPROVEMENTS—CONSTRUCTION OF VIADUCT—DAMAGES—LIABILITY OF MUNICIPALITY—SAUER V. MAYOR, ETC., OF THE CITY OF NEW YORK, 60 N. Y. Sup. 648.—*Held*, city is liable to abutting owner for damages caused by erection of viaduct in the street in front of his premises, by which he is deprived of easement of light, air and access.

The question was whether such damages came within the clause of the New York Constitution, which says "private property shall not be *taken* for public use without just compensation." In other words, was this a *taking* of property? The court held that the rights of abutting owners are in the nature of easements. Easements are property, and therefore cannot be taken without compensation. *Kane* v. *N. Y. E. R. R. Co.*, 125, N. Y. 164.

Under the same constitutional provision a different result was reached in other States. In Illinois, under the old Constitution, an abutting owner could not recover for consequential injuries, but only for *direct physical injury* to his property. *Rigney* v. *Chicago*, 102 Ill. 64.

But the corresponding clause in the present Constitution of Illinois, adopted in 1870, says "private property shall not be taken or *damaged* for public use without compensation." Similar clauses are found in a number of State constitutions adopted since 1870, and where this is so the decisions are uniform to the effect that, in a case like the present, the abutting owner may recover.